

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JERRY ALEXANDER MENCHU
1190 SW 170th Avenue
Portland, Oregon. 97006
(503) 334-7043
Menchu36@gmail.com
Plaintiff,

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3'12 - CV - 1366 AC

V.

US DEPARTMENT OF HEALTH AND HUMAN
SERVICES (HHS) OFFICE OF CIVIL RIGHTS
(OCR) REGION X (10)
2201 Sixth Avenue – M/S: RX-11
Seattle, WA 98121-1831
Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. 552, to order the production of agency records, concerning all transcript of a discrimination investigation case filed under OCR Transaction No. 12-133131 which defendant has improperly withheld from plaintiff
2. This court has jurisdiction over this action pursuant to 5 U.S.C. 552(a)(4)(B).
3. Plaintiff, Jerry Alexander Menchu, is the complainant of this case OCR Transaction No. 12-133131 and is the requester of the records which defendant is now withholding. Plaintiff has requested in an "expedited processing manner" this information to be used for his rebuttal and to be sent with last reconsideration request to the Deputy Director, Civil Rights Division, Washington DC. This office of the Director of OCR has 90 days (Due August 31, 2012) to decide if reconsideration is substantial and if the appellant of this case OCR Transaction No. 12-133131 proves this by rebuttal, then this office may reconsider and re-open the case and because of this, prompt release of the information is essential to meeting a deadline by this office; Therefore obtaining this information is of vital importance because It will be necessary to

prove "good cause" to convince this office Deputy Director OCR to expedite consideration of this case OCR Transaction No. 12-133131.

4. Defendant US DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), OFFICE OF CIVIL RIGHTS (OCR), REGION X (10) is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By letter dated May 16, 2012, (USPS Regular Mail) plaintiff requested access to all transcript of investigation OCR Transaction 12-133131. A copy of this letter is attached as Exhibit 1.

6. By letter dated June 6, 2012, (USPS Signature conf. number 2305 1590 0001 4432 9297 also witness Notary Public – Oregon Gregory R Heaton Commission No. 461909) plaintiff submitted a second request because of failure from the defendant to respond to letter dated May 16, 2012. A copy of this letter is attached as Exhibit 2.

7. By letter dated June 28, 2012 (USPS Certified conf. number 9402715901063586067164 also witness Notary Public – Oregon Kristin Marie Demaree Commission No. 456625) plaintiff Submitted a letter of appeal because of failure from the defended to respond to letter dated May 16 and June 6, 2012. A copy of this letter is attached as Exhibit 3.

8. Plaintiff has a right of access to the requested information under 5 U.S.C. 552(a)(3), and there is no legal basis for defendants denial of such access.

WHEREFORE, plaintiff requests this Court:

(1) Order defendant to provide access to the requested documents on an Expedited Processing manner because failure to get the requested records in an expedited fashion will result in the loss of substantial due process rights;

(2) Expedite this proceeding as provided for in 28 U.S.C. 1657;

(3) Award plaintiff costs and reasonable attorney's fees in this action, as provided in 5 U.S.C. 552(a)(4)(E); and

(4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Menchu", is written over a horizontal line.

Jerry Alexander Menchu
1190 SW 170th Avenue #202
Beaverton Oregon 97006
Dated: July 30, 2012